

**DENTONS****Brian S. Cousin**  
Partnerbrian.cousin@dentons.com  
D +1 212 398 5776**Salans FMC SNR Denton**  
dentons.comDentons US LLP  
1221 Avenue of the Americas  
New York, NY 10020-1089 USAT +1 212 768 6700  
F +1 212 768 6800

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August 14, 2013

**BY E-MAIL: Failla\_NYSDChambers@nysd.uscourts.gov**Hon. Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square  
Room 2103  
New York, NY 10007Re: *Ardigo v. J. Christopher Capital, LLC et al*, 12-cv-3627 (KPF)

Dear Judge Failla:


We represent Defendants J. Christopher Capital, LLC and Edward Welsh ("Defendants") in the above-captioned matter. I am writing on behalf of all the parties to respectfully request a two month extension of the fact discovery schedule from September 17, 2013 to November 15, 2013. There have been no prior requests for an extension of this date.

Currently, the parties are in the process of exchanging document discovery. Defendants provided their discovery requests on June 10, 2013, and Plaintiff completed his production on or about July 19, 2013. Plaintiff provided his document requests on July 3, 2013, and Defendants are in the process of producing responsive documents. The parties are in the process of trying to coordinate deposition scheduling and have agreed to hold the deposition of the Plaintiff in September. The parties had planned to hold Ardigo's deposition August 14, 2013, but due to certain technological issues, the Defendants were not able to produce the necessary documents to go forward with the deposition sufficiently in advance of that date.

The parties currently have a mediation scheduled in front of Judge Pittman on September 27, 2013. Both parties agree that it would be most efficient if the depositions of the Defendants proceed after the close of the mediation. Given the mediation date, as well as the vacation schedules and religious holiday observances of the attorneys and witnesses, the parties would like to hold the Defendants' depositions in October and have agreed to dates certain that month.

Plaintiff has also requested the deposition of Christopher Burch, the CEO of J. Christopher Capital, LLC. Defendants will write a separate letter pursuant to Your Honor's Individual Rules of Practice Rule 2(C) requesting permission to move for a protective order related to that deposition.

Respectfully submitted,


  
Brian S. Cousin

cc: Peter J. Andrews, Esq. (by e-mail)  
Jonathan Evan Goldberg, Esq. (by e-mail)  
Walker G. Harman, Jr., Esq. (by e-mail)  
Lauren Perlgut, Esq. (by e-mail)